IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.7418 of 2006

–

Dated: February 09, 2007

–

–

Between:

G. Ashok Vardhan Reddy, S/o. G.C. Yogeshwar Reddy, aged 28 years, working as Clerk in Proddutur Group Temple II, Proddutur, Kadapa District.

... Petitioner

And

The Deputy Commissioner, Endowments Department, Kurnool, Kurnool District, and Others.

... Respondents

Order:

By this Writ Petition, petitioner seeks Mandamus to declare the action of the respondents in not paying him salary from December, 2006 onwards as illegal and arbitrary.

2. Petitioner claims to have been appointed as clerk in Group Temples II, Proddutur, on daily wages of Rs.100/- and later transferred to Sadananda

Mantralayam, Mydukur by proceedings dated 13-12-2005. His grievance is that he is not being paid salary from September, 2004 though he has been discharging duties. It is his case that he has also made representation dated 21-02-2006 to the respondents; however, no action whatsoever has been taken. Therefore, he has approached this court by this Writ Petition.

3. Heard learned counsel for petitioner and learned Government Pleader appearing for respondents.

4. Respondents 3 and 4 filed counter affidavit stating that petitioner was appointed only on daily wage basis. It is stated that while appointing the petitioner, the then Manager, Group Temples-II, Proddatur, has not followed the procedure and there is no post of clerk in the Group Temples and the then Assistant Commissioner is responsible for several irregular appointments including the appointment of petitioner, which he made just before his retirement in February, 2005. It is also stated that petitioner is none other than the son of the aforesaid Assistant Commissioner. It is further stated that though orders dated 13-12-2005 were passed to utilize the services of the petitioner in Sadananda Matalayam, Mydukur, subsequently, orders dated 21-12-2005 were passed cancelling the orders dated 13-12-2005 and the petitioner was engaged in Mydukur as and when there was work by drawing funds from various temples. Later, neither the third respondent nor the fourth

respondent engaged the services of the petitioner for want of vacancy and funds.

5. Under the scheme of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 ('the Act' for brevity) appointments to temple service are to be approved by the Commissioner of Endowments and there is no such establishment to group temples. It is the case of the petitioner that he was appointed in group temples, but was not appointed against any post in the approved strength. Even, the order appointing him on daily wages in Group Temples –II is stated to have been issued by the then Manager at the instance of Assistant Commissioner, who is the father of the petitioner, on the eve of his retirement. It is to be noted that though his services were utilized in Sadananda Matalayam, Mydukur, by proceedings dated 13-12-2005, immediately thereafter, proceedings dated 21-12-2005 were issued cancelling the earlier proceedings dated 13-12-2005. As much as the petitioner was not appointed to any post, much less in the approved strength by the Commissioner under the statute, he is not entitled to any salary.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR